

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Earl Conner

v.

Civil No. 03-cv-375-SM

New Hampshire State Prison

**REPORT AND RECOMMENDATION**

My Report and Recommendation of June 22, 2004 noted that plaintiff had not exhausted his federal claims in state court and recommended that the stay of his case first set in November of 2003 be continued to permit exhaustion. In the last year there is no status report which even suggests a start to that process. Additionally, he is no longer in custody. I recommend dismissal of the petition without prejudice.

Any objections to this Report and Recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United

States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).

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James R. Muirhead  
United States Magistrate Judge

Date: August 18, 2005

cc: Earl Conner, *pro se*